

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.355/94.
- - - - -

Between:

A.Venkateswarlu. Applicant.

And

1. The Telecom Commission, represented by its Chairman, Government of India, New Delhi .
2. The Chief General Manager, Maintenance, Southern Telecom Region, Madras. Respondents.

Counsel for the applicant: Sri P.Naveen Rao.

Counsel for the Respondents: Sri K.Bhaskara Rao.

CCRAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (J.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (J)

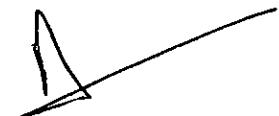
JUDGMENT.

(as per Hon'ble Shri R. Rangarajan, Member (J))

Heard Sri P.Naveen Rao for Applicant and Sri K.Bhaskara Rao for the respondents.

The applicant in this C.A., passed the qualifying examination for recruitment to TES Group "B" Service in the year, 1973 and he was promoted as Assistant Engineer with effect from 1979. However, the deemed date of promotion was altered to 17-4-1978 on the basis of Review DPC held in 1990-92.

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: 2 :

The applicant was given the Senior Assistant Engineer's post only with effect from 1-3-1993 as per Office Order No. CGM/STE-15/1/92-93/84 dated 1-3-1993 (Page 11-Annexure D1 to the O.A.). The applicant submits that he should be given the scale of pay of Senior Assistant Engineer with effect from 16-4-1990 as his deemed date of promotion was fixed as 17-4-1978. Even otherwise even counting 12 years service from his actual date of promotion he should have been given from 1990-91.

This O.A. is filed in application to the respondents to promote the applicant to the cadre of Senior Assistant Engineer from 1-9-1990 or 27-9-1990. By removing the anomaly in considering the deemed date of promotion for completion of 12 years service with consequential benefits of pay fixation, arrears of pay, leave salary arising out of pay fixation and also pension and Pensionary benefits on that basis as he had retired on 31-8-1993.

No reply has been filed in this O.A.

The applicant had completed 12 years of service

on 16-4-1990 as his deemed date of promotion was 17-4-1978.

: 3 :

The Scheme of granting the scale of pay of Senior Assistant
Engineer ^{is fixe} _{was} implemented with effect from 27-9-1990. The
applicant by 27-9-1990 had completed 12 years of service.
Hence he is eligible to get the scale of pay of Senior
Assistant. ^{from the date of introduction of that}
Scheme i.e., with effect from 27-9-1990.

The applicant has filed this O.A., on 15-12-1993
immediately after he was given the post of Senior Assistant
Engineer praying for pre-poning the date of promotion
hence the applicant had approached this Tribunal in time.
Hence he is entitled to full arrears of pay and allowances
in the pay scale of Senior Assistant Engineer from
27-9-1990. As the applicant had retired on 31-8-1993
his pension should be fixed on the basis of the above
pay drawn by him as Senior Assistant Engineer on the basis
of his fixation of pay in the pay scale of Senior Assistant
Engineer with effect from 27-9-1990. However, the applicant
is not } entitled for any arrears by way of DCRG and leave
encashment as these two items are one time payments.
Time for compliance is four months from the date of
receipt of a copy of this order.



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Copy to:

The Chairman

1. The Telecom Commission, Govt. of India, New Delhi.
2. The Chief General Manager, Maintenance, Southern Telecom Region, Madras.
3. One copy to Mr.P.Naveen Rao, Advocate,CAT,Hyderabad.
4. One copy to Mr.K.Bhaskara Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

self
9/6/97

(6)

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R.G. RAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 17/4/97

ORDER/JUDGEMENT

R.I.A/C.P/M.I.A. No.

in

D.A. NO. 355/97

~~ADMITTED INTERIM DIRECTIONS ISSUED~~
~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLKR

II COURT

